



Docket No.: 070470-0014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

HARRISON, MICHAEL J., et al.

Application No.: 10/002,442

Filed: November 15, 2001

For: CONDOM WITH MALE GENITAL DESENSITIZER LUBRICANT

: Customer Number: 20277
:
: Confirmation Number: 3551
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: Group Art Unit: 3764
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: Examiner: Brown, Michael A.
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SUPPLEMENTAL RESPONSE TO OFFICE ACTION

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a supplemental response to the Office Action of March 8, 2005 ("Office Action"). Previously, an Amendment and Supplemental IDS were filed on September 7, 2005, which IDS lists additional correspondence received from SSL Americas, Inc. and SSL International, plc, ("SSL") as represented by Peter C. Schechter, Esq. of the Law Firm of Darby & Darby.

SSL has now submitted a letter dated September 23, 2005 in regard to applicants' response, which SSL asserts presents a "material misrepresentation" to the Office. Applicants strongly deny SSL's inaccurate and inappropriate statement that its response of September 7, 2005 contains a "material misrepresentation."

As set forth in SSL's letter of September 23, 2005, SSL's October 20, 2004 letter stated: "Each of these products incorporates a high viscosity desensitizing cream **only on the inside** of the condom and a low viscosity lubricant also applied to the inside of the condom during manufacture." (bold emphasis supplied) What SSL does not say in its letter of September 23,

2005 is that the letter of October 20 included additional statements as to the low viscosity oil, which read: "Every single one of these condoms was **lubricated with a low viscosity oil** and further included **a high viscosity desensitizing cream only on the inside** thereof, the cream comprising benzocaine in a PEG base. (bold emphasis supplied) The meaning of this statement can be determined by SSL's letter of June 29, 2005 -which is referenced on page 8 of the response to the office action- where SSL stated: " ...the condoms were lubricated with silicone oil having viscosity of about 200 cps, with the silicone oil being present on the **outside** of the condoms, and they all contained a thick male genitala desensitizing cream comprising 5% Benzocaine and 95% PEP on the **inside** of the condoms." (bold emphasis supplied)

This supplemental response to the office action is being filed with a second supplemental IDS that addresses SSL's letter of September 23, 2005. Copies of each of SSL's letters have been filed in prior IDSs.

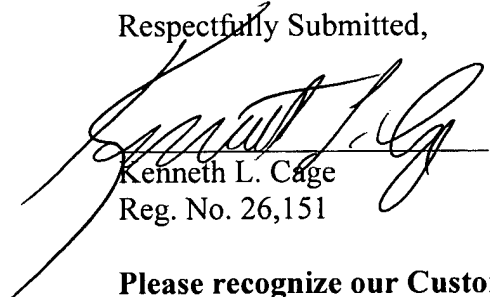
Nonetheless, for complete clarity on this matter, it is requested that the sentence bridging pages 7 and 8 of the response of September 7, 2005 be revised to read "What SSL first alleged in October 20, 2004 was that SSL products since 1982 have a high viscosity desensitizing cream applied to only the inside of the condom, a low viscosity oil applied to the inside of the condom during manufacture and every one of the condoms lubricated with a low viscosity oil. By letter of June 29, 2005 SSL stated that a silicone oil having a viscosity of 200 cps was on the outside of the condoms."

As presented, there can be no question that SSL has stated that a silicone oil of 200 cps was on the outside of the condoms.

SSL has also replied to applicants' correspondence of September 27, 2005, which addressed SSL's letter of September 23, 2005, as described above. See IDS filed concurrently with this response. Again, the applicants vigorously dispute SSL's inaccurate allegations that a prior amendment and response contained a material misrepresentation. The letter speaks for itself in that silicone oil is applied to the inside of the condom and is present on the outside of the condom. SSL's stated distinctions between the lubricating oil "applied" or being "present" appear to address the method claims present in the present patent application, as opposed to the structure claims.

A notice of allowance is solicited. If of assistance to the examiner, the applicants will be pleased to conduct an interview with the examiner prior to full consideration of the response.

Respectfully Submitted,



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